

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Licensing Sub-Committee (Street Trading and Hackney Carriage and Private Hire Vehicles, Drivers and Operators) held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 18 June 2024 commencing at 3:00 pm

Present:

Chair Councillor G M Porter

and Councillors:

M G Sztymiak and R J E Vines

LSB/B.11 ELECTION OF CHAIR

- 11.1 It was proposed, seconded and
RESOLVED That Councillor G M Porter be appointed as Chair for the meeting.

LSB/B.12 ANNOUNCEMENTS

- 12.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

LSB/B.13 DECLARATIONS OF INTEREST

- 13.1 The Committee's attention was drawn to the Tewkesbury Borough Code of Conduct which was adopted by the Council on 24 January 2023 and took effect on 1 February 2023.
- 13.2 There were no declarations made on this occasion.

LSB/B.14 APPLICATION FOR A STREET TRADING CONSENT - TIGERS KEBAB, CHELTENHAM RUGBY CLUB, NEWLANDS PARK, SOUTHAM LANE, CHELTENHAM, GL52 3PE

- 14.1 The report of the Licensing Team Leader, circulated at Pages No. 3-26, outlined an application for a street trading consent for a kebab van known as Tigers Kebab to be located at Cheltenham Rugby Club, Newlands Park, Southam Lane, Cheltenham, GL52 3PE. The Sub-Committee was asked to determine whether or not to grant the street consent.
- 14.2 The Licensing Team Leader advised that the application was to serve hot and cold food/drinks seven days per week between 1600 hours and 2300 hours. The application had been subject to a 28 day consultation and the consultees were set out at Page No. 4, Paragraph 3.2 of the report. Whilst there were no objections from the responsible authorities, three objections had been received as set out at Appendix D from the local Ward Councillors and Southam Parish Council with the main concerns relating to litter and also nuisance, traffic and business competition. The options for the Sub-Committee, as set out at Page No. 5, Paragraph 5.1 of the report, were to grant consent to the applicant as applied for; grant consent to the

applicant subject to modifications to: the days on which trading could take place, the times during which trading could take place, the location(s) where trading could take place, the articles that could be traded, the conditions attached to the consent and/or the duration of the consent; or to refuse to grant consent. It was noted that the maximum duration of the licence was 12 months under the legislation.

- 14.3 A Member noted that highways and competition had been mentioned in the representations and sought clarification as to whether these were issues for the Licensing Sub-Committee. In response, the Licensing Team Leader explained that the site was not on a highway so County Highways could not refuse the application but it was a statutory consultee under the Council's policy. In terms of business competition, this was a relevant concern for the Planning department under planning legislation if planning permission was required. The Planning department had been consulted on the application but this was separate to the licensing regime and it was down to the operator of the premises to comply with any planning permission required.
- 14.4 The Chair invited the applicant to address the Sub-Committee. It was noted that the applicant had brought the Chair of Cheltenham Rugby Club with him to the meeting to offer support. The applicant explained that, in relation to litter, he had permission from the Chair of the Rugby Club to use the Rugby Club bins and whilst the application was until 2300 hours, he intended to serve until 2200 hours and use the remaining time for cleaning. He confirmed that he had received an email from County Highways confirming it was not highway land.
- 14.5 A Member asked if the applicant had any experience of running a food trailer and the applicant advised he had been a partner in a kebab shop in Swindon for three years. The Member asked how he had dealt with litter and the applicant confirmed litter had never been an issue before. In response to a query regarding how many staff would be working in the trailer, the applicant advised that he intended to employ one other person initially; if business picked up he may employ another so there could potentially be three members of staff going forward. In terms of the hours requested, a Member asked if these would coincide with the opening of the artificial pitch or whether there was another reason for choosing the times. The Chair of Cheltenham Rugby Club confirmed that the artificial pitch was available for booking from 0900 hours to 2200 hours every day; Sundays were less busy later in the day but in the winter months the pitch tended to be booked from 1700 hours to 2200 hours daily, with 3,500 people using the pitch per week for various sports, and the opening hours of the van had been selected to cater for them. There was a kitchen on site but it was not able to cater for that number of people and was mainly used for bacon baps for the mini and junior sessions on a Sunday morning. In addition, it was not possible to get to the serving point if there was a function in the main club room. A number of large events had been held at the Rugby Club over the last few years including the Cheltenham 7s, inflatable theme parks and music events and the Club had expanded its service with visiting food providers – the Club had opted for a kebab van as this had been the most popular and it was felt it would be a better option in terms of litter. Currently a lot of visitors ordered food to be delivered to the site, using services such as Deliveroo, but they did not tend to be very good at putting wrappers in bins – the club was run by volunteers who spent a lot of time tidying up which was frustrating so that was another reason for the street trading application. A Member asked if the Rugby Club had separate recycling containers and was advised there were four bins - one for glass recycling, one for cardboard recycling and two for general waste. Whilst the Club was keen to recycle other materials such as tins and textiles, its waste collection was managed by Grundon which did not currently offer those services so that was something which would be relooked at in around 18 months to see if it was viable. In response to a query about the food packaging, the applicant advised this would be cardboard packaging and wooden forks. A Member asked if wooden forks could be recycled and was informed these were disposed of in the general waste which was taken

away and sorted by Grondon which recycled what it could. The Member indicated that the Council had declared a climate change emergency and was trying to minimise single use products so it would give some peace of mind if there was confidence that packaging was being recycled. The Chair of the Rugby Club advised there were a number of people at the Club who were very keen on green initiatives – the Club had geothermal heating and was about to install solar panels – so if things could be recycled he doubted the membership would allow them not to. The applicant pointed out that the food boxes did say they were recyclable.

14.6 A Member noted that the Rugby Club had a large car park and asked if it was intended to fence off an area for the kebab van. The Chair of the Rugby Club explained that it was anticipated that the people using the van would already be parked there, either playing or supporting, and would buy food whilst they were waiting or as they were leaving. The main car park could accommodate 150 vehicles with space for a further 175/180 down the side of the artificial pitch with more space on the grass for bigger events. As Members may be aware, Gloucestershire County Council was currently occupying some of the site whilst it carried out work on the cycle path, and when they left in January/February 2026 there was an option for the club to retain the hardstanding for additional parking. In his view, the parking provision was improving and when the money was available they would look to resurface.

14.7 The Chair invited the other persons to make their submissions. One of the objectors pointed out that there were companies, such as Andigestion, which provided a food recycling service so there were options to resolve that particular issue if the site was willing to engage with it and that was something she would welcome. In terms of litter, nothing had been mentioned about the people who parked at the site, picked up their food and discarded the packaging from their windows, although she acknowledged there was no way to contain that. She was mindful that the planning process may not allow for a food establishment on the premises and felt it would be better to determine the licence application after that had been resolved. In response to the latter, the Chair reiterated that the planning and licensing regimes were separate and the Licensing Sub-Committee was required to determine the application before it today. The Parish Council representative appreciated the Rugby Club was well-used and brought a lot of benefits to the community. He understood the need to supplement the existing facilities at particular times but the Parish Council's concern was the shift from internal to external catering and the potential implications in terms of litter. There were concerns regarding the approach to employment given the applicant had mentioned waiting to see how things went before employing the resource to deal with it which was not what he had understood from reading the report. In terms of traffic, whilst he could not define the impact, there was potential for passing trade as the van would be illuminated so could be seen from the road; this may have a harmful visual impact, particularly in the winter months when there was less cover. As the facility would be open until 2300 hours, there was also potential for it to become a meeting place which could attract antisocial behaviour, particularly as crime incidents were increasing locally. Another objector indicated that whilst the van would not be sited on a highway, it was very close on a busy corner which had recently been remodelled so there were apprehensions in relation to that. He continued to be concerned about litter, having recently dealt with the aftermath of a May Day celebration, which, if contaminated, would go to landfill. He felt that 2300 hours was quite late and questioned whether the applicant's suggestion of finishing serving at 2200 hours and having an hour to clean up would be adequate and expressed concern as to whether the offering would cater for the number of people envisaged to use the van, based on the current users of the Club.

- 14.8 The applicant was invited to make a final statement and the Chair of Cheltenham Rugby Club advised that they had spoken to Andigestion a couple of years ago but the Club had not produced enough waste to be of interest. They would be open to meeting with Andigestion again, given the length of time that had passed, although he noted that the Clubhouse itself did not have much waste. In relation to antisocial behaviour, which was a concern for everyone, he provided reassurance that it was a fenced site with a lot of users so he did not feel it would be a particular issue and having the trailer would bring additional benefits, for example, there had been traveller incursions in the past and having someone on site would be a deterrent. In terms of litter, the site was well-managed so he was confident that would be dealt with properly. With regard to whether the van would be sufficient, he confirmed the Club was happy with one van at this stage and he was sure the users of the artificial pitch, and the grass pitches to some extent, would be grateful for the service.
- 14.9 The Chair asked if there was any scope to reduce the hours from 1600 to 2300 hours to 1600 to 2200 hours and the Chair of the Rugby Club advised that the theory was if people were on the pitch until 2200 hours they would then have time to get changed and buy some food afterwards. The applicant also needed time to clean up by which point it would be approaching 2300 hours.
- 14.10 The Chair asked all parties present to withdraw with the exception of the Legal Adviser and Head of Service: Democratic and Electoral Services whilst the Sub-Committee made its decision.
- 14.11 In accordance with the Local Government (Miscellaneous Provisions) Act 1982 (Schedule 4) and having considered the report, the oral representations made at the meeting, the relevant legislation and Tewkesbury Borough Council's Street Trading Policy, it was

RESOLVED That the street trading consent be **GRANTED** as applied for.

The various parties were invited back to hear the decision of the Licensing Sub-Committee. The applicant was advised that the Licensing Sub-Committee made its decision on the basis that there were no objections from the responsible authorities in relation to the application and no evidence of any of the concerns raised coming to fruition at this stage. Cheltenham Rugby Club was very supportive of the application and did not want litter so would ensure the site was well looked after. On that basis, there were no grounds to refuse the application. Should any of the concerns come to fruition, it was recommended that the other persons contact the local authority.

The meeting closed at 3:40 pm